IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9241 of 2000

with

SPECIAL CIVIL APPLICATION No 13258 of 2000
to
Special Civil Application No.13291 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KANAKSINH H SISODIA

Versus

STATE OF GUJARAT

Appearance:

MS PRITI PANDYA for Petitioner No. 1-35
DELETED for Respondent No. 1
MR HARDIK C RAWAL for Respondent No. 2
NOTICE SERVED BY DS for Respondent No. 2
RULE SERVED for Respondent No. 3-4

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 04/09/2001

ORAL JUDGEMENT

The petitioners in this group of petitions have challenged the G.R. dated 25.2.2000, by which H.R.A. is reduced from 15% to 5%. The said decision is challenged on various grounds in these petitions.

On behalf of the S.T. Corporation, Mr.Raval argued that the S.T. Corporation has reduced the H.R.A. in view of the Government Resolution since they are bound to follow the directions and instructions of the State Government. In the facts and circumstances of the case, without adjudicating the dispute at this stage, I direct the petitioners to make representation to the State Government, ventilating their grievances in such representation and they may also point out to the State Government in their representation that the reduction of H.R.A. was not justifiable in the facts and circumstances of the case. It would be open for the petitioners to highlight all their grievances in the representation. The petitioners may either make joint representation or individual representation as they think fit. Such representation may be made on or before 20th September, 2001 to the appropriate Department of the State Government. On receiving such representation, the State Government may take appropriate decision on such representation within a reasonable period. It is expected that the State will take decision expeditiously and decide the representation of the petitioner on its own merits.

Till the State Government takes decision on such representation, interim relief granted by this Court shall be continued. If the decision is against the petitioners, interim relief granted by this Court which is in force till today, will be continued for a period of two weeks from the date of despatch of the said decision. It is expected that the State may take decision within a period of three months from the date of receipt of such representation.

It is clarified that this Court has not adjudicated these matters on merits and they are disposed of on the aforesaid ground of making representation. In case the representation is decided against the petitioners, it will be open for the petitioners to challenge the same in accordance with law.

All these petitions are accordingly disposed of on the aforesaid lines. Rule is discharged with no order as to costs.

Direct service is permitted.

4th September, 2001 (P.B. Majmudar, J.)

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(apj)